

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TYRONE PUMPHREY,
Plaintiff,

v.

BRANDON BATTLES, et al.,
Defendants.

Case No. [21-cv-09005-JSC](#)

**ORDER FOLLOWING PRETRIAL
CONFERENCE NO. 2**

As discussed at the pretrial conference on July 5, 2023, the Court orders as follows:

I. Jury Selection

Jury selection will begin on July 7, 2023. Counsel and the parties should arrive by 8:15 a.m. that morning. Jurors 2 and 39 are excused for hardship. The Court will confirm any selected jurors are available through July 14.

II. Trial Schedule

Opening arguments will occur on Monday, July 10, 2023. A charging conference—to discuss the jury instructions and verdict form—will occur after the close of testimony on July 10. The parties should be prepared to give closing arguments as early as Tuesday, July 11. The trial schedule will be as follows:

Monday, July 10, 2023:	8:30 a.m. to 3:00 p.m.
Tuesday, July 11, 2023:	8:30 a.m. to 3:00 p.m.
Wednesday, July 12, 2023:	8:30 a.m. to 3:00 p.m. (if needed)
Thursday, July 13, 2023:	8:30 a.m. to 1:30 p.m. (if needed)
Friday, July 14, 2023:	8:30 a.m. to 1:30 p.m. (if needed)

Counsel and the parties should arrive by 8:15 a.m. each morning to discuss outstanding issues.

III. Childs and Atkins

Defendants represented Defendant Childs is unavailable next week. Unless Childs presents evidence of his inability to attend trial, the Court expects his attendance. Should Childs provide satisfactory evidence that he cannot attend, the Court will sever Childs from the remaining Defendants for the purposes of trial.

Defendants indicated Mr. Atkins may not testify, despite being served with a subpoena. If Mr. Atkins fails to appear, his out-of-court statements may constitute inadmissible hearsay. Should Defendants wish to introduce out-of-court statements from Mr. Atkins, Defendants must provide a trial brief explaining the admissibility of those statements by Monday, July 10, 2023.

IT IS SO ORDERED.

This Order disposes of Dkt. No. 95.

Dated: July 5, 2023


JACQUELINE SCOTT CORLEY
United States District Judge